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UNITED TECHNOLOGIES CORPORATION
PATENT DEPARTMENT
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In re Application of
M ANTHONY STONE ET AL
Application No. 08/327,744
Filed: October 24, 1994
Attorney Docket No. WJ00021

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 10, 1997 to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application became abandoned for failure to timely file an Appeal Brief within two months of the October 22, 1996 date of the Notice of Appeal. A Notice of Abandonment was mailed on June 10, 1997.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The petition does not satisfy requirement(s) (4) above.

Additionally, since the above-identified application is a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995, 37 CFR 1.137(c) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months lapsed from the date of abandonment to the date of filing a grantable petition. The terminal disclaimer filed is not acceptable since it is signed by an attorney not of record. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). A blank terminal disclaimer form and a blank certificate under 37 CFR 3.73(b) form are enclosed for petitioner's convenience.

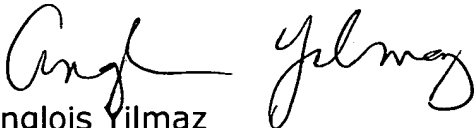
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By Hand: Crystal Park 1
Suite 520
2011 Crystal Drive
Arlington, Virginia

Telephone inquiries should be directed to Anglois Yilmaz in the Office of Petitions at (703) 305-9285.


Anglois Yilmaz
Legal Instruments Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy & Projects


Karen O. Creasy
Petitions Examiner

ATTACHMENTS: Terminal Disclaimer Form
Certificate under 37 CFR 3.73(b) Form